

February 16, 2011

Dear Representative:

We strongly urge you to vote no on Amendment Number 258 to H.R. 1 proposed by Representative Tim Huelskamp, which would prevent the use of the funds in the continuing resolution for the remainder of Fiscal Year 2011 to support the Department of State Special Envoy to Guantanamo Bay. Adopting this amendment would run counter to U.S. national security interests and would undermine the administration's ability to conform to the rule of law and comply with court orders.

The State Department Special Envoy that this amendment targets is responsible for negotiating the repatriation and resettlement of those Guantanamo detainees that the administration has determined it has no reason to hold. The person in the Special Envoy position, currently Ambassador Daniel Fried, is assigned the difficult task of persuading U.S. allies to resolve languishing cases of Guantanamo detainees that have been cleared for transfer by unanimous consent of the Departments of Defense, State, Homeland Security, and Justice as well as the Office of the Director of National Intelligence and the Joint Chiefs of Staff. Since his appointment in March 2009, Ambassador Fried has facilitated the transfer of 66 detainees to 26 countries, including two detainees transferred for criminal trial in Italy.

Regardless of your position on the ultimate closure of Guantanamo, preventing the Special Envoy from continuing to do his job would be counterproductive to U.S. national security interests. Respected national security leaders from both sides of the aisle—including Colin Powell, Gen. David Petraeus, and Defense Secretary Robert Gates—agree that detentions at Guantanamo serve as a powerful propaganda weapon used to recruit forces against the United States. The Special Envoy helps diffuse this weapon by negotiating carefully managed transfers in select Guantanamo cases, including preventive measures tailored to each case.

Amendment Number 258 would also undermine the rule of law by needlessly obstructing the administration from fulfilling court orders in cases where the courts have held that the U.S. government has no legal authority to detain individuals. Currently, when courts find that a Guantanamo detainee is illegally held, the Special Envoy negotiates his resettlement or repatriation. Without the ability to effectuate such transfers, the executive branch will be unable to comply with court rulings and the rule of law.

The State Department Special Envoy's work is crucial to bringing U.S. detention policy in line with the rule of law, which is in turn critical to U.S. national security. For these reasons, we urge you to vote no on Amendment Number 258 to H.R. 1.

Sincerely,

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American Civil Liberties Union  
Amnesty International, USA  
Appeal for Justice  
Center for Constitutional Rights  
Center for National Security Studies  
Center for Victims of Torture  
Ken Gude, Managing Director for National Security, Center for American Progress  
Human Rights First  
Human Rights Watch

International Justice Network  
National Association of Criminal Defense Lawyers  
National Religious Campaign Against Torture  
New Security Action  
Open Society Policy Center